

EPA-R5-2015-000221-1

"Danielle Diamond "
<ddiamond@iccaw.org>
10/09/2009 02:42 PM

To Joe
cc Cheryl Burdett
bcc
Subject Fragrant 40 Location & Flooding

Hi Joe

I'm copying my contact at USEPA (Cheryl Burdette) to this. Cheryl is going to see if she can get an IEPA inspector out there. (Cheryl, in addition to the odors, apparently there is flooding in the area, which could lead to an overflow of the already over-full lagoons. Given the amount of rain they've had, it would seem best if IEPA could get out there today. Per our conversation this afternoon, the facility is located at the corner of Barr and White Oak Roads, just south of 28311 White Oak Road, Greenfield, IL 62044. I've attached a location map. Thank you for your assistance with this.)

Thank you, Joe for keeping me posted. Hopefully Cheryl will be able to get someone out there ASAP.

Danielle

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org



fragrant40-pumpingdiagram.JPG

EPA-R5-2015-000221-2

"Danielle Diamond "
<ddiamond@iccaw.org>
10/26/2009 02:03 PM

To "Joe Clark"
cc Cheryl Burdett
bcc
Subject Re: fragrant 40

Hi Joe

Just got off the phone w/ Cheryl at USEPA. (I've cc'd her to this.) She's checking with the Illinois EPA to find out if they have been out there yet. If they haven't she's going to try to get them out there as soon as possible. If the State doesn't follow up on it, she's going to do her best to get approval from her section chief to conduct her own inspection.

It would be very helpful if you filed another complaint with the State regarding the pumping into the creek. Let me know (and copy Cheryl) when you do.

Danielle

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 26, 2009 10:40 AM
To: "Danielle Diamond"
Subject: RE: fragrant 40

Has anything ever come of any of this? Supposedly they were either running over, or pumping directly into the creek recently, again, but nobody called, again. I noticed that the creek was VERY foamy, but definitely didn't see them do anything on purpose.

Joe

From: Danielle Diamond [mailto:ddiamond@iccaw.org]
Sent: Tuesday, October 13, 2009 4:52 PM
To: Joe Clark
Subject: Re: fragrant 40

OK. Good. I didn't hear back from Cheryl yet. Will call her again tomorrow and give you an

update on what I find out.

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 12, 2009 04:37 PM
To: "Danielle Diamond"
Subject: RE: fragrant 40

[Filed anon complaint 4:36PM today.](#)

[Joe](#)

From: Danielle Diamond [mailto:ddiamond@iccaw.org]
Sent: Monday, October 12, 2009 3:54 PM
To: Joe Clark
Subject: Re: fragrant 40

I just put a call in to USEPA and left a VM w/ Cheryl. Will let you know as soon as I hear back.

I know you're extremely frustrated w/ IEPA, but did you call in a complaint last week or today? Please do if you haven't already. Even though they told you to quit complaining, the IL Assit. Attorney General told me that you absolutely should call in complaints every time you experience odors regardless of what IEPA told you. Even if they don't follow up, we need to have an official record. Remember, you can call in and file the complaint and remain anonymous. The most important thing is to be very factual and detailed about what you've been experiencing this past week. Please let me know if and when you call (or called) it in.

Danielle

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 12, 2009 01:19 PM
To: "Danielle Diamond"
Subject: fragrant 40

Did anything happen with this? The odor problem is so bad today that I had to send my employee home ?.

Joe

EPA-R5-2015-000221-3

"Danielle Diamond "
<ddiamond@iccaw.org>
10/26/2009 03:00 PM

To Cheryl Burdett
cc
bcc
Subject Fwd: fragrant 40

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 26, 2009 02:51 PM
To: "Danielle Diamond"
Subject: RE: fragrant 40

[I sent this:](#)

Neighbors around the facility have seen significant amounts of hog waste in adjoining creek. Supposedly being pumped down the north slope of the property near their lagoons, directly into said creek. Not verified in person.

From: Danielle Diamond [mailto:ddiamond@iccaw.org]
Sent: Monday, October 26, 2009 2:37 PM
To: Joe Clark
Subject: Re: fragrant 40

Did someone tell you about it? Can you have them complain? You could also just file a complaint and state that someone told you what was happening or that you suspect they may be pumping into the creek based on the way the creek looks and what you've heard from neighbors, etc. Best to get something on the record, even if you can't personally verify it. Just say you did not see anything first-hand, but that you believe there is a problem and give the reasons why you believe they should investigate.

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 26, 2009 02:13 PM
To: "Danielle Diamond"

Subject: RE: fragrant 40

I didn't see it happen, so I can't really say much.

Joe

From: Danielle Diamond [mailto:ddiamond@iccaw.org]
Sent: Monday, October 26, 2009 2:03 PM
To: Joe Clark
Cc: burdett.cheryl@epa.gov
Subject: Re: fragrant 40

Hi Joe

Just got off the phone w/ Cheryl at USEPA. (I've cc'd her to this.) She's checking with the Illinois EPA to find out if they have been out there yet. If they haven't she's going to try to get them out there as soon as possible. If the State doesn't follow up on it, she's going to do her best to get approval from her section chief to conduct her own inspection.

It would be very helpful if you filed another complaint with the State regarding the pumping into the creek. Let me know (and copy Cheryl) when you do.

Danielle

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181 Illinois Street
Crystal Lake, IL 60014
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ddiamond@iccaw.org

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 26, 2009 10:40 AM
To: "Danielle Diamond"
Subject: RE: fragrant 40

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Joe

From: Danielle Diamond [mailto:ddiamond@iccaw.org]
Sent: Tuesday, October 13, 2009 4:52 PM
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Subject: Re: fragrant 40

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Illinois Citizens for Clean Air & Water
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-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 12, 2009 04:37 PM
To: "Danielle Diamond"
Subject: RE: fragrant 40

[Filed anon complaint 4:36PM today.](#)

[Joe](#)

From: Danielle Diamond [mailto:ddiamond@iccaw.org]
Sent: Monday, October 12, 2009 3:54 PM
To: Joe Clark
Subject: Re: fragrant 40

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Danielle

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-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, October 12, 2009 01:19 PM
To: "Danielle Diamond"
Subject: fragrant 40

Did anything happen with this? The odor problem is so bad today that I had to send my employee home ?.

Joe

EPA-R5-2015-000221-4

"Danielle Diamond "
<ddiamond@iccaw.org>
10/28/2009 11:54 PM

To Cheryl Burdett
cc
bcc
Subject Fragrant 40 Fwd: hogs again

Hi Cheryl

Any news on Fragrant 40? See below message from neighbor.

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Wednesday, October 28, 2009 11:22 PM
To: "Danielle Diamond"
Subject: hogs again

90% chance we'll have to leave tonight and go stay at my mother's house, it smells like raw sewage IN our home again tonight. If only I could sell this place, BUT?who is going to buy someplace that smells like poison all the time?.

Any word on your end about my issues?

Joe Clark

EPA-R5-2015-000221-5

"Danielle Diamond "
<ddiamond@iccaw.org>
10/29/2009 03:46 PM

To Cheryl Burdett
cc
bcc
Subject Re: Fragrant 40 Fwd: hogs again

Thanks for looking into this Cheryl. It helps.

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

-----Original Message-----

From: Burdett.Cheryl@epamail.epa.gov [mailto:Burdett.Cheryl@epamail.epa.gov]
Sent: Thursday, October 29, 2009 03:05 PM
To: 'Danielle Diamond'
Subject: Re: Fragrant 40 Fwd: hogs again

Hi Danielle,

After talking with the state inspector, David Ginder, he does not believe they are discharging. He has been out there in February and was just out there, yesterday. Mr. Ginder thought that the complaint was about land application, but after speaking with him, he will go do another check about the production area. However, Mr. Ginder believes that the facility has enough land to apply and had enough freeboard. Mr. Ginder asked that if you have additional information to contact him at 217-557-8761.

He seems to know the facility very well, I would suggest contacting him with further questions.

Hope this helps,

Sincerely,

Cheryl Burdett
Life Scientist
WD/WECA/WC-15J
U.S. Environmental Protection Agency
77 West Jackson
Chicago, IL 60604
phone: 312-886-1463
fax: 312-886-0168
e-mail: burdett.cheryl@epa.gov

From: "Danielle Diamond" <ddiamond@iccaw.org>
To: Cheryl Burdett/R5/USEPA/US@EPA
Date: 10/28/2009 11:53 PM
Subject: Fragrant 40 Fwd: hogs again

Hi Cheryl

Any news on Fragrant 40? See below message from neighbor.

-----Original Message-----

From: Joe Clark [<mailto:Joe@hometown-tech.com>]

Sent: Wednesday, October 28, 2009 11:22 PM

To: "Danielle Diamond"

Subject: hogs again

90% chance we'll have to leave tonight and go stay at my mother's house, it smells like raw sewage IN our home again tonight. If only I could sell this place, BUT?who is going to buy someplace that smells like poison all the time?.

Any word on your end about my issues?

Joe Clark

EPA-R5-2015-000221-6

"Danielle Diamond "
<ddiamond@iccaw.org>

11/02/2009 08:08 AM

To Cheryl Burdett

cc

bcc

Subject fragrant 40 pics & film of discharge

Pic and film showing lagoon overflowing from berm into stream:

<http://www.clarksgentlegiants.com/hog/PA311050.JPG>

<http://www.clarksgentlegiants.com/hog/PA311055-noaudio.wmv>

PVC pipes running from berm of lagoon:

<http://www.clarksgentlegiants.com/hog/PA311067.JPG>

<http://www.clarksgentlegiants.com/hog/PA311068.JPG>

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

EPA-R5-2015-000221-7

"Ginder, David"
<David.Ginder@Illinois.gov>
11/03/2009 11:13 AM

To Cheryl Burdett
cc
bcc
Subject RE: fragrant 40 pics & film of discharge

Cheryl,

The secondary lagoon cell was overtopping. There was no evidence of discharge from the referenced pipes. The facility received 8.5" of rain in one week. Give me a call (217/557-8761) if you want more detail. I will be in today until 3 p.m. and will be out all day tomorrow (11/4).

David

From: Burdett.Cheryl@epamail.epa.gov [mailto:Burdett.Cheryl@epamail.epa.gov]
Sent: Monday, November 02, 2009 9:44 AM
To: Ginder, David
Subject: Fw: fragrant 40 pics & film of discharge

Hi David,

Below is what I was sent from Danielle, the pictures are suppose to show that lagoon is overflowing from the berm into the stream. According to the complaint there are PVC pipes running from the berm of the lagoon.

Sincerely,

Cheryl Burdett
Life Scientist
WD/WECA/WC-15J
U.S. Environmental Protection Agency
77 West Jackson
Chicago, IL 60604
phone: 312-886-1463
fax: 312-886-0168
e-mail: burdett.cheryl@epa.gov

----- Forwarded by Cheryl Burdett/R5/USEPA/US on 11/02/2009 09:42 AM -----

From: "Danielle Diamond" <ddiamond@iccaw.org>
To: Cheryl Burdett/R5/USEPA/US@EPA
Date: 11/02/2009 08:08 AM
Subject: fragrant 40 pics & film of discharge

Pic and film showing lagoon overflowing from berm into stream:

<http://www.clarksgentlegiants.com/hog/PA311050.JPG>

<http://www.clarksgentlegiants.com/hog/PA311055-noaudio.wmv>

PVC pipes running from berm of lagoon:

<http://www.clarksgentlegiants.com/hog/PA311067.JPG>

<http://www.clarksgentlegiants.com/hog/PA311068.JPG>

Danielle Diamond, Attorney
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ddiamond@iccaw.org

EPA-R5-2015-000221-8

"Danielle Diamond "
<ddiamond@icaw.org>

11/19/2009 11:06 AM

To Cheryl Burdett

cc

bcc

Subject Link to additional Fragrant 40 photos

Hi Cheryl

As a follow-up to my last email RE Fragrant 40, here is a link to view all of the photos from the Nov. 13 fly-overs:

<http://picasaweb.google.com/danielle.j.diamond/Fragrant40?feat=directlink>

We'll be uploading the photos of the rest of the facilities we flew over shortly. Let me know if you want me to send you any jpgs of the Fragrant 40 photos from the picasa web album. I'll try to get you a disk with all of our fly-over photos ASAP.

Danielle

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@icaw.org

EPA-R5-2015-000221-9

"Yurdin, Bruce"
<Bruce.Yurdin@Illinois.gov>
11/19/2009 01:45 PM

To "Danielle Diamond"
cc kleppesumn, khudson, eschaeffer, jwerber, Joe, Cheryl
Burdett, JMcBride, "Ginder, David"
bcc
Subject RE: Fragrant 40 photos and lagoon overflow

Thank you for your email about this discharge. Illinois EPA staff were at the site yesterday and are in communication with the livestock facility owner. We are now considering appropriate action that may be taken in this matter.

If you have any question about this, please contact me at 217-782-3362.

Bruce J. Yurdin
Acting Manager, Field Operations Section
Division of Water Pollution Control
Bureau of Water
Illinois EPA
1021 North Grand Avenue East
Springfield, IL 62794

From: Danielle Diamond [mailto:ddiamond@icaw.org]
Sent: Thursday, November 19, 2009 10:37 AM
To: burdett.cheryl@epa.gov; JMcBride@atg.state.il.us; Ginder, David; Yurdin, Bruce
Cc: kleppesumn@aol.com; khudson@elmnet.net; eschaeffer@environmentalintegrity.org;
jwerber@environmentalintegrity.org; Joe@hometown-tech.com
Subject: Fragrant 40 photos and lagoon overflow

Please find the attached photographs of the Fragrant 40 hog facility in Macoupin County, Illinois. The photographs were taken on Friday, November 13 and show evidence of ongoing discharges from the facility's waste lagoons into an adjacent stream. There also appears to be evidence of intentional diversion of lagoon waste into the stream.

The facility is located at the corner of Barr and White Oak Road in Barr Township, Illinois (GPS coordinates: +39.405930, -90.120720).

A location map of the facility is available at:

http://maps.google.com/maps?f=q&source=s_q&hl=en&geocode=&q=barr+road+and+white+oak+road,+greenfield,+il&sll=37.0625,-95.677068&sspn=21.53778,53.964844&ie=UTF8&hq=&hnear=White+Oak+Rd+%26+Barr+Rd,+Greenfield,+Macoupin,+Illinois+62044&t=h&z=15.

According to a conversation with USEPA staff, the Illinois EPA inspected this facility on October 28, 2009 in response to a citizen complaint that the waste lagoons were overflowing. According to local area residents, shortly thereafter the facility operator began land applying the waste from the lagoons to a nearby 40-80 acre field. Land application took place for nearly two weeks and on some

days for a period of 24 hours. A photograph of the land application field's boundaries is attached. There is concern that because of the previous lagoon overflow the facility operator over-applied the waste to the nearby field as a disposal method in quantities far exceeding an amount appropriate for agricultural needs.

An online citizen complaint was filed with both the USEPA and Illinois EPA on November 18, 2009 based on visual evidence that the facility's waste lagoons were again overflowing. There is concern that with recent rainfall this week that the facility is now not only discharging from its waste lagoons, but also its land application area.

Your immediate attention to this matter is greatly appreciated. Please do not hesitate to contact me should you desire additional photographs or if you have any questions.

Sincerely,

Danielle Diamond

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

EPA-R5-2015-000221-10

"Danielle Diamond "
<ddiamond@iccaw.org>
01/22/2010 03:01 PM

To Cheryl Burdett
cc
bcc
Subject Re: Fragrant 40

Thanks, Cheryl. I know you're busy and so it's very appreciated that you've been following up on this one.

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

-----Original Message-----

From: Burdett.Cheryl@epamail.epa.gov [mailto:Burdett.Cheryl@epamail.epa.gov]
Sent: Friday, January 22, 2010 11:53 AM
To: 'Danielle Diamond'
Subject: Re: Fragrant 40

Hi Danielle,

Sorry, it has been so long since we have talked. I have been in communication with Illinois EPA and they have as far I know been monitoring Fragrant 40s land application. I will check and see if the NOV has gone out to the facility and whether or not the facility has started putting together their permit application. I appreciate all your work and will keep in touch.

sincerely,

Cheryl Burdett
Life Scientist
WD/WECA/WC-15J
U.S. Environmental Protection Agency
77 West Jackson
Chicago, IL 60604
phone: 312-886-1463
fax: 312-886-0168
e-mail: burdett.cheryl@epa.gov

From: "Danielle Diamond" <ddiamond@iccaw.org>

To: Cheryl Burdett/R5/USEPA/US@EPA
Date: 01/21/2010 02:01 PM
Subject: Fragrant 40

Hi Cheryl

Just FYI...Joe Clark notified me on Tuesday that Fragrant 40 was pumping its lagoons onto over saturated and partially snow covered fields. It's been raining for the past few days and apparently they've continued pumping up until today.

The attached pictures are from Tuesday. According to Joe, the drainage ditch adjacent to the field that they have been pumping on does flow towards the creek where previous discharges have occurred. I've attached a marked up aerial photo that shows the location of the creek.

A complaint was filed on Tuesday with the Illinois EPA and USEPA. Not sure if it's been followed up on by Illinois EPA.

Danielle

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

[attachment "P1192066.JPG" deleted by Cheryl Burdett/R5/USEPA/US] [attachment
"P1192067.JPG" deleted by Cheryl Burdett/R5/USEPA/US] [attachment
"P1192068.JPG" deleted by Cheryl Burdett/R5/USEPA/US] [attachment
"P1192069.JPG" deleted by Cheryl Burdett/R5/USEPA/US] [attachment
"P1192070.JPG" deleted by Cheryl Burdett/R5/USEPA/US] [attachment
"pumping-markup.jpg" deleted by Cheryl Burdett/R5/USEPA/US]

EPA-R5-2015-000221-11

"Danielle Diamond "
<ddiamond@iccaw.org>
02/22/2010 02:02 PM

To Cheryl Burdett
cc
bcc
Subject Fragrant 40 Feb. 21 lagoon overflow Fwd: summary

Hi Cheryl

As a follow-up to my earlier voice mail and email, apparently David Ginder from IEPA called Joe Clark (the complainant) and stated that he called the Fragrant 40 operator and was told that they had more than enough free board. He said that he would conduct a follow-up inspection tomorrow. After getting off the phone with David Ginder, Joe noticed that the facility operator had begun pumping the lagoon (see Joe's summary below).

We are concerned that by the time the IEPA inspects the facility tomorrow, the lagoon will be pumped down enough so that there is enough free board and evidence of an overflow will likely be gone. Please note that the initial complaint of the overflow was filed on Sunday.

I put a call in to Bruce Yudin at IEPA and am waiting for a call back. I'm not sure what else can be done at this point, but wanted to keep you apprised of the situation.

Danielle

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

-----Original Message-----

From: Joe Clark [mailto:Joe@hometown-tech.com]
Sent: Monday, February 22, 2010 01:40 PM
To: "Danielle Diamond"
Subject: summary

On Sunday 2-21-10 at 12:30pm I tested the water in the road ditch as well as the confluence of the road ditch and Taylor creek, next to the Fragrant 40 CAFO. The PH was over 9, and it appeared both from my upstairs deck and from the intersection of Barr road and White oak rd, that the lagoon closest to the road was running over the banks.

I called IEPA emergency line and reported it, I also filed online complaints with the IL epa and the

US epa. I was called back a few hours later by an IEPA person named ?Josh? who was on call. No other contact was received from anyone at IEPA or USEPA until Monday 2-22-10 at just after 1pm.

David Ginder called, he indicated that he had received only a small amount of info on the reported discharge and that he needed more info. He also indicated that he had spoken with the owner of Fragrant 40, Jeff Seabaugh and had scheduled a meeting with Mr. Seabaugh for the following day, tentatively in the morning. He also indicated that Seabaugh claimed to have 6-8 inches of freeboard, and that the lagoon did not discharge.

Immediately after my phone conversation with Ginder I walked to my upstairs back deck and observed someone at Fragrant 40 pumping from the reported lagoon on the southeast corner using what looked like a tractor. The other end of the hose was not readily identifiable. I called Ginder back and reported that Fragrant 40 was pumping from the lagoon in what appeared to be an attempt to lower the material level to the previously mentioned 6-8 inches. Ginder acknowledged my comment and we hung up.

Joe Clark

EPA-R5-2015-000221-12

"McBride, Jane E."
<JMcBride@atg.state.il.us>

04/09/2010 02:44 PM

To Cheryl Burdett

cc

bcc

Subject Fragrant 40 and Mr. Seabaugh

Cheryl, could you give me a call regarding this facility and its operator.

Jane McBride
Illinois Attorney General's Office
217 782 9033

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EPA-R5-2015-000221-13

"McBride, Jane E."
<JMcBride@atg.state.il.us>

04/09/2010 02:44 PM

Please respond to "McBride, Jane E." <JMcBride@atg.state.il.us>

To Cheryl Burdett

cc

bcc

Subject Fragrant 40 and Mr. Seabaugh

Cheryl, could you give me a call regarding this facility and its operator.

Jane McBride
Illinois Attorney General's Office
217 782 9033

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EPA-R5-2015-000221-14

Danielle Diamond
<ddiamond@iccaw.org>

07/20/2010 12:02 PM

To Cheryl Burdett

cc

bcc

Subject Fwd: HUGE amount of rain

Cheryl:

Just FYI. See below RE Fragrant 40. I believe Mr. Clark did call David Ginder at IEPA.

Danielle Diamond

Sent from my iPhone

Begin forwarded message:

From: "Joe Clark" <joe@hometown-tech.com>

Date: July 20, 2010 6:31:39 AM PDT

To: <ddiamond@iccaw.org>

Subject: RE: HUGE amount of rain

It wasn't long after this, probably around 2am that we had to pack up and evacuate because of the odor...once the storm was over it just multiplied and multiplied until we were both sick. It was like nothing we've ever experienced, I don't have the vocabulary to even describe how bad it was. I'd not imagine chemical warfare to be that overwhelming.

I just got back home to get things for work today and the lagoons are either running over, or are at the very top, I can see that from the road.

Joe

From: Joe Clark [mailto:joe@hometown-tech.com]

Sent: Tuesday, July 20, 2010 1:01 AM

To: ddiamond@iccaw.org

Subject: HUGE amount of rain

In addition to the smell being beyond words tonight, it also rained about 4.5 inches today, 3 inches in about 1 hour at midnight. Our basement had water running into the drains for the 1st time in 5 years, so I can only imagine what the lagoons are doing.

I guess I'll call Ginder and he can tell me he's already spoken with Seabaugh and they say it's fine, as usual.

Joe

EPA-R5-2015-000221-15

"McBride, Jane E."
<JMcBride@atg.state.il.us>
07/21/2010 05:02 PM

To Cheryl Burdett
cc
bcc
Subject RE: HUGE amount of rain

Cheryl, it is my next project to get this complaint finalized. I will get you a draft asap.

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From: Burdett.Cheryl@epamail.epa.gov [mailto:Burdett.Cheryl@epamail.epa.gov]

Sent: Wednesday, July 21, 2010 3:26 PM

To: McBride, Jane E.

Subject: Fw: HUGE amount of rain

Hello Ms. McBride,

I am not sure if you have seen the latest complaint about Fragrant 40, LLC, so it is attached below.

I am also wondering if you had any question about the Administrative Order. I will be sending the report this week, sorry I have not sent it out sooner. Is there any documents are ready to share with us concerning Fragrant 40, LLC.

Sincerely,

Cheryl Burdett
Life Scientist
WD/WECA/WC-15J
U.S. Environmental Protection Agency
77 West Jackson
Chicago, IL 60604
phone: 312-886-1463
fax: 312-886-0168
e-mail: burdett.cheryl@epa.gov

----- Forwarded by Cheryl Burdett/R5/USEPA/US on 07/21/2010 03:24 PM -----

From: Danielle Diamond <ddiamond@iccaw.org>
To: Cheryl Burdett/R5/USEPA/US@EPA
Date: 07/20/2010 12:04 PM
Subject: Fwd: HUGE amount of rain

Cheryl:

Just FYI. See below RE Fragrant 40. I believe Mr. Clark did call David Ginder at IEPA.

Danielle Diamond

Sent from my iPhone

Begin forwarded message:

From: "Joe Clark" <joe@hometown-tech.com>

Date: July 20, 2010 6:31:39 AM PDT

To: <ddiamond@iccaw.org>

Subject: RE: HUGE amount of rain

It wasn't long after this, probably around 2am that we had to pack up and evacuate because of the odor...once the storm was over it just multiplied and multiplied until we were both sick. It was like nothing we've ever experienced, I don't have the vocabulary to even describe how bad it was. I'd not imagine chemical warfare to be that overwhelming.

I just got back home to get things for work today and the lagoons are either running over, or are at the very top, I can see that from the road.

Joe

From: Joe Clark [<mailto:joe@hometown-tech.com>]

Sent: Tuesday, July 20, 2010 1:01 AM

To: ddiamond@iccaw.org

Subject: HUGE amount of rain

In addition to the smell being beyond words tonight, it also rained about 4.5 inches today, 3 inches in about 1 hour at midnight. Our basement had water running into the drains for the 1st time in 5 years, so I can only imagine what the lagoons are doing.

I guess I'll call Ginder and he can tell me he's already spoken with seabaugh and they say it's fine, as usual.

Joe

EPA-R5-2015-000221-16

"McBride, Jane E."
<JMcBride@atg.state.il.us>
10/12/2010 03:29 PM

To Kevin Chow
cc
bcc
Subject Fragrant 40

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From: Ron [mailto:rons@fsbredbud.net]
Sent: Tuesday, October 12, 2010 1:04 PM
To: McBride, Jane E.
Cc: cmanning@bhslaw.com; Jeff Seabaugh
Subject: RE: October 20

It would appear that **Thursday, October 28th** would work for everyone and that would be preferred to Monday the 25th. I would suggest **8:30 AM** unless this causes a problem for anyone.

Ronald D. Seabaugh
Chief Executive Officer
First State Bank of Red Bud
(618) 282-3861
(618) 282-3699 Fax

From: McBride, Jane E. [mailto:JMcBride@atg.state.il.us]
Sent: Tuesday, October 12, 2010 12:55 PM
To: 'Ron'
Subject: RE: October 20

Ron, for the week of the 25th, I have a status call the morning of the 26th at 9 a.m. (Claire Manning is involved with this matter, so she as well may have a conflict at that time), and I have a status that may take me to Galesburg the morning of October 27. Otherwise the week of the 25th is fairly open.

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From: Ron [mailto:rons@fsbredbud.net]
Sent: Tuesday, October 12, 2010 9:28 AM
To: McBride, Jane E.
Subject: RE: October 20

Ms. McBride, I contacted my brother regarding the 20th, and unfortunately he had committed to take a FFA youth group on a field trip that day. He will not return until Friday, the 22nd. I am hopeful that we can reschedule for the following week. I have also forwarded your contact information to Claire Manning with

Brown Hay & Stephens and asked her what her availability is.

I am hopeful that we can provide you with some alternative dates that are convenient for you.

Ronald D. Seabaugh
Chief Executive Officer
First State Bank of Red Bud
(618) 282-3861
(618) 282-3699 Fax

From: McBride, Jane E. [mailto:JMcBride@atg.state.il.us]
Sent: Friday, October 08, 2010 4:21 PM
To: 'rons@fsbredbud.net'
Subject: October 20

Mr. Seabaugh

Writing to confirm the date of Wednesday, October 20, 8:30 a.m., for a meeting concerning the Fragrant 40 facility, at the Attorney General's office in Springfield. The location of the meeting will be 3000 Montvale, in Springfield. Should your counsel wish to speak to me before hand, please feel free to give her this email address or my phone, 217 782 9033.

Jane McBride

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EPA-R5-2015-000221-17

"McBride, Jane E."
<JMcBride@atg.state.il.us>
10/18/2010 09:52 AM

To Kevin Chow
cc
bcc
Subject FW: Fragrant 40

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From: Claire A. Manning [mailto:cmanning@bhslaw.com]

Sent: Monday, October 18, 2010 9:52 AM

To: McBride, Jane E.

Subject: RE: Fragrant 40

Nov. 10 is good. My clients would like an early starting time, if possible. Does 9 work?

Thanks!

Claire

From: McBride, Jane E. [mailto:JMcBride@atg.state.il.us]

Sent: Friday, October 15, 2010 4:05 PM

To: Claire A. Manning

Subject: Fragrant 40

Claire, among the dates you and I discussed were Nov. 9 and 10.

These are the two dates we are focusing on at this point. How do they look for your client?

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EPA-R5-2015-000221-18

"McBride, Jane E."
<JMcBride@atg.state.il.us>
10/18/2010 05:08 PM

To Kevin Chow, Cheryl Burdett
cc
bcc
Subject FW: Fragrant 40

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From: Claire A. Manning [mailto:cmanning@bhslaw.com]

Sent: Monday, October 18, 2010 4:21 PM

To: McBride, Jane E.

Subject: RE: Fragrant 40

Jane,

The 12th is doable for me and for Ron Seabaugh. Ron is checking with brother Jeff. Will get back to you tomorrow.

Claire

From: McBride, Jane E. [mailto:JMcBride@atg.state.il.us]

Sent: Monday, October 18, 2010 2:44 PM

To: Claire A. Manning

Subject: RE: Fragrant 40

Claire, can we focus on the 12th.

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From: McBride, Jane E.

Sent: Monday, October 18, 2010 2:35 PM

To: 'Claire A. Manning'

Subject: Fragrant 40

Another glitch. Am wondering if the 1st or the 12th might be a possibility for this first meeting. I am terribly sorry about again have to ask your consideration of alternative dates. The 9 a.m. start time would be preserved. I am just checking to see if it might be a possibility at this point. I ask that you please save the last agreed date until I can fully ascertain if the 1st or 12th might work for all concerned.

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EPA-R5-2015-000221-19

Danielle Diamond
<ddiamond@iccaw.org>

11/02/2010 04:14 PM

Please respond to ddiamond@iccaw.org

To Cheryl Burdett

cc

bcc

Subject Re: status of Fragrant 40

Hi Cheryl

Thanks for getting back to me. Do you have a sense as to when we might hear something? Will continue to keep you in the loop.

Thanks again.

Danielle

On Tue, Nov 2, 2010 at 3:05 PM, <Burdett.Cheryl@epamail.epa.gov> wrote:

Hi Danielle,

We are currently still working on Fragrant 40 and when I am able to update you I will. Sorry about that but if you have information, please continue to provide it.

Thank you,

Cheryl Burdett
Life Scientist
WD/WECA/WC-15J
U.S. Environmental Protection Agency
77 West Jackson
Chicago, IL 60604
phone: 312-886-1463
fax: 312-886-0168
e-mail: burdett.cheryl@epa.gov

From: "ddiamond@iccaw.org" <ddiamond@iccaw.org>

To: Cheryl Burdett/R5/USEPA/US@EPA

Date: 10/25/2010 04:58 PM

Subject: status of Frangrant 40

Hi Cheryl

Just checking in to see where things stand w/ Fragrant 40.

It's been quite out there lately, but there are now some activities going on at the site that are producing a "faint" odor. Do you know if an enforcement action was ever filed by USEPA or what they might be doing out there?

Many thanks in advance for any info you may be able to provide.

Danielle

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

--

Danielle Diamond, Attorney
Illinois Citizens for Clean Air & Water
181 Illinois Street
Crystal Lake, IL 60014
815.403.0278
ddiamond@iccaw.org

EPA-R5-2015-000221-20

Brent Marable /R5/USEPA/US

08/31/2011 08:00 AM

To Natalie Topinka

cc

bcc

Subject Fw: Odors from Hog Operation in Greenville, IL

please give this guy a call

Protecting the environment is everyone's responsibility . Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>

----- Forwarded by Brent Marable/R5/USEPA/US on 08/31/2011 07:55 AM -----

From: William Macdowell/R5/USEPA/US
To: Brent Marable/R5/USEPA/US@EPA
Date: 08/30/2011 06:48 PM
Subject: Fw: Odors from Hog Operation in Greenville, IL

Natalie? Kevin is on travel

----- Forwarded by William Macdowell/R5/USEPA/US on 08/30/2011 06:48 PM -----

From: "Joe Clark" <joe@hometown-tech.com>
To: Kevin Vuilleumier/R5/USEPA/US@EPA
Cc: Versia Boyd/R5/USEPA/US@EPA, Donna Howard/R5/USEPA/US@EPA, William Macdowell/R5/USEPA/US@EPA
Date: 08/27/2011 12:35 PM
Subject: RE: Odors from Hog Operation in Greenville, IL

I have called and left several messages, as well as previously replying to this email. However, here is our most recent complaint about this facility (please note that it's in GREENFIELD in MACOUPIN county IL, not in Greenville. Our lives, marriage, home and enjoyment of our property are being destroyed by this facility's mismanagement and the lack of enforcement. Please help us.

8/26/11

"Horrendous odor from Fragrant 40 facility again. Strong ammonia component with other, unknown chemical-like odor. Forced us to hide in our basement as usual from the stench, making us unable to enjoy our property, or be outside, and forcing us to run the A/C during an unseasonably cool evening. People in other areas were definitely enjoying their decks, yards and the beautiful night sky, we were instead forced into the basement, our only escape from the ongoing torture that is the fragrant 40 experience. Another beautiful night ruined...

Neighbors also had odor.

cc: Richard Middleton, Middleton Firm
cc: US EPA
cc: Danielle Diamond, ICCAW"

From: Vuilleumier.Kevin@epamail.epa.gov [mailto:Vuilleumier.Kevin@epamail.epa.gov]

Sent: Thursday, August 25, 2011 11:22 AM

To: joe@hometown-tech.com

Cc: Boyd.Versia@epamail.epa.gov; Howard.Donna@epamail.epa.gov;
MacDowell.William@epamail.epa.gov

Subject: Odors from Hog Operation in Greenville, IL

Dear Mr. Clark,

I am writing in response to your complaints, received via e-mail, dated August 19 and 23, 2011 regarding odors from a hog operation (Fragrant 40/Ron Seabaugh) in Greenville, Illinois. Your complaints raise two odor concerns, the first is the odor from hog manure, and the second is a chemical odor which causes burning in your eyes and throat.

We receive numerous complaints regarding odors from hog and dairy operations. Complaints increase significantly during the spring/fall, planting/harvesting seasons because it is at this time that manure is typically land applied for incorporation into the soil and use as fertilizer. However, even outside of these seasons, odors from poorly managed farms are often a source of complaints and we coordinate closely with our State counterparts to investigate these complaints. I will coordinate with the Illinois Environmental Protection Agency as I follow-up on your concerns. Typically it is easier for the State agency to send someone out to investigate odors because they are often local or within a reasonable driving distance from their offices.

Chemical odors are more difficult to address because of varying sensitivities across the population. In addition, some chemicals have very low odor detection thresholds where even though there is an odor, the concentrations are below levels which would endanger health. Hydrogen sulfide and ammonia are two examples of chemicals with low odor thresholds. You indicate in your complaints that you believe the chemical odor was chemical or severe ammonia. Ammonia has a distinct odor so could you verify if it was ammonia or some other chemical like a solvent odor? This verification will help us narrow the range of chemicals and possible causes.

We appreciate your concern for the environment. If you have any questions, feel free to e-mail me at vuilleumier.kevin@epa.gov or you can call me at (312) 886-6188.

Sincerely,

Kevin Vuilleumier, Environmental Engineer
Air Enforcement and Compliance Assurance Branch

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>

EPA-R5-2015-000221-21

kjm2@aol.com

09/07/2011 03:28 PM

To Natalie Topinka, ddiamond

cc

bcc

Subject resource for CAFO air pollutants

1. Midwest Plan Services (attached document)....see Table 6 page 13 for design factors to determine total amount of nitrogen generated.

2. NRCS Animal Waste Management Field Handbook - Chapter 11 Waste Characteristics Table 11-5



call if you have questions. kathy martin 405-819-7626 MWPS manure characteristics.pdf awmfh-chap11.pdf

EPA-R5-2015-000221-22

kjm2@aol.com

09/07/2011 03:31 PM

To Natalie Topinka, ddiamond

cc

bcc

Subject Cerex HOUND website

natalie -- meant to send you this link as well. Joe is using a UV Mini-HOUND. k

UV HOUND - <http://www.cerexms.com/products/hound.html>

The Cerex HOUND series are portable multi-gas analyzers developed to detect part per billion (ppb) to percent level concentrations of multiple gases within a mixture. The HOUND produces laboratory quality results in real-time using ultraviolet light absorption - similar to traditional infrared detectors, but features lower detection limits on many human health hazards and does not interfere with water vapor. All HOUND series analyzers come standard in a weather-resistant case with an integrated display, active ambient air sampling, and wireless communication. The FR versions are well suited for smoky or dusty environments with a faster sample rate and replaceable glass fiber sub-micron sample filter.

The UV Hound and UV Mini-Hound are still supported by Cerex Monitoring Solutions.

[Download Product Brochure](#)

EPA-R5-2015-000221-23

**Natalie
Topinka/R5/USEPA/US**
09/12/2011 11:17 AM

To Cheryl Burdett
cc Kevin Vuilleumier
bcc
Subject Fw: fragrant 40 complaint

FYI. I also spoke with Joe Clark this morning and he was unaware that the AG had filed the complaint until he read about it in the media...he said he hadn't heard from Jane McBride since last December, so I guess they are not working as closely as we assumed. I advised him to contact her for a copy of the complaint and to discuss what they expected the injunctive relief would be. I told Mr. Clark that EPA would not be bringing a case simultaneously against Fragrant 40 on the same issues alleged in the complaint, but if the AG's office was not able to resolve this matter, EPA would be interested in pursuing the issue - this made Mr. Clark more optimistic that the odor/water issues would be resolved eventually. I also advised him to continue his odor log and ambient air monitoring, should that information become useful or necessary down the road.

Natalie

----- Forwarded by Natalie Topinka/R5/USEPA/US on 09/12/2011 11:01 AM -----

From: "Joe Clark" <joe@hometown-tech.com>
To: Natalie Topinka/R5/USEPA/US@EPA
Date: 09/12/2011 12:02 AM
Subject: fragrant 40 complaint

Natalie,

This is my most recent complaint about this facility. This was an exceptionally bad night, and I recorded data also.

Joe

After 3 days of no hog odor whatsoever, we are back to normal today. At 10pm my wife and I were forced to hide in our basement again, running our clean-room style air filter, covering our faces, hoping to escape from the horrible hog/sewage/ammonia odors outside.

We were on our back deck when it started again, immediately we were both hit with nausea, and my wife got a horrible headache. Once inside (we went IMMEDIATELY, without regard for our existing plans to enjoy the very full moon and great weather) our eyes continued to burn badly, along with her complaining of her throat burning as well. The ammonia/chemical component of this discharge was very bad again.

Unfortunately, we had not taken our dogs out before this, so I took them out, only to get a huge headache and horrible rawness in my throat from being outside, even with my face and mouth covered, for just a short period. It appears that we will be sleeping in our basement again, hiding from the unbearable odor and discharge that is infiltrating our home, even with no windows open and the A/C on (as usual even though windows open would be fantastic with this weather, it simply cannot be done here, almost EVER). Tomorrow we will both feel bad from being exposed to this, we will have to vacuum every bit of carpet and wash down the walls, furniture, and wash every soft item in our home to try and get rid of the residue from this. Certainly not the

1st time, but just because we are used to it, doesn't mean it's "ok".

CC: US EPA

CC: Richard Middleton, Middleton Law Firm

CC: Danielle Diamond, ICCAW

From: Topinka.Natalie@epamail.epa.gov [mailto:Topinka.Natalie@epamail.epa.gov]

Sent: Wednesday, August 31, 2011 3:07 PM

To: joe@hometown-tech.com

Subject: thanks

I got your voicemail with Cheryl Burdett as the contact name in the water division, thanks.

Natalie M. Topinka

Environmental Scientist

U.S. Environmental Protection Agency, Region 5

Air Enforcement and Compliance Assurance Branch

77 West Jackson Boulevard (AE-17J)

Chicago, IL 60604

ph: (312) 886-3853

fax: (312) 692-2410

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at

<http://www.epa.gov/compliance/complaints/index.html>

EPA-R5-2015-000221-24

Stephen Jann /R5/USEPA/US


03/15/2012 04:03 PM

To Cheryl Burdett, Joan Rogers

cc

bcc

Subject Article on Fragrant 40

Fragrant 40 swine farm sued over strong odor; Neighbors say they can't sleep | 

Outlet Full Name: Madison County Record - Online, The

News Text: The Macoupin County neighbors of a swine farm complained in recently filed court documents about odors emanating from the farm, saying they are unable to host family gatherings and to sleep in their home because of the smell from their nearby residents' land.

Joe Clark, Megan Clark, Bob Norris and Tom Gall filed a lawsuit Feb. 28 in St. Clair County Circuit Court against Fragrant 40, Ronald D. Seabaugh and Jeff Seabaugh.

The plaintiffs, who live less than one mile away from a swine farm at 1682 Barr Rd. in Greenfield, allege they have been unable to cook or eat outdoors or host traditional holiday events because of a strong odor that originates from an excess of pig manure and urine at the farm.

The Seabaughs operate the farm, where they raise more than 4,500 pigs, according to the complaint. However, the defendants have failed to properly care for the animals at the facility, the suit states. As a result, the swines' urine and manure has caused a stench in the air and has seeped into nearby water supplies, the complaint says.

Seven large buildings house the pigs on the property. The buildings and the land surrounding them, though, are not adequate to control the amount of waste produced by the pigs, the plaintiffs say.

Nearby residents began complaining when they noticed a neighboring creek, Taylor Creek, changing to a reddish-orange color. The pigs' manure and urine had flowed from the farm, down a ditch and into the creek, mutating its hues, according to the complaint.

The Environmental Protection Agency investigated complaints numerous times and even sent a violation notice to the facility regarding the amount of discharge produced, the suit states.

Despite the EPA's involvement, the alleged excessive discharge and resulting odor has continued to be a nuisance for neighbors, the complaint says.

The Illinois attorney's general office has already filed a complaint in Macoupin County against the swine facility, alleging water pollution, creating a water pollution hazard, NPDES permit violations, offensive conditions, agricultural related pollution and air pollution.

In their current complaint, the plaintiffs allege private temporary nuisance,

negligence and continuing trespass against the defendants .

The plaintiffs say that not only have they been forced to suffer with the odors from the farm, but they have also been harassed since making their complaints to the EPA.

"Shortly following the lodging of one of their complaints , Plaintiffs received the severed head of a sow in their front yard," the suit states. "Since first complaining about Defendants' facilities, Plaintiffs have also encountered one or more of the Defendants, or their employees, stopped in front of Plaintiffs' house, driving slowly past Plaintiffs' house at odd hours, including the middle of the night, and staring at Plaintiffs."

In their complaint, the plaintiffs claim they have been unable to enjoy the use of their properties because of the smell of the swine farm. In fact, they say they are forced to sleep in their basements at times because the odor is so strong in their homes. In addition, they have to cover their faces at times when they walk outdoors and are concerned for their health because of the contaminated water supply , according to the complaint.

The plaintiffs seek an unspecified judgment in excess of the minimum jurisdictional limits of Jefferson County District, plus punitive damages, costs, attorneys' fees and other relief the court deems just.

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